

### **REMARKS**

Claims 1-19 are currently pending in the application with Claims 2, 5-7, and 11-12 being amended, and Claims 13-19 being added with this response. No new matter has been presented. The drawings are objected to in the action dated January 14, 2008. In the action, Claim 1 is objected to and Claims 7-12 are rejected under 35 U.S.C. §112 for the reasons stated therein. Claims 1-5 and 7-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,490,015 to Umeyama et al. (“Umeyama”) in view of U.S. Patent No. 5,408,376 to Nishikura et al. (“Nishikura”).

Reconsideration of the present application is respectfully requested. It is respectfully submitted that claims 1-19 are in condition for allowance and early notice of the same is solicited. Should the Examiner believe that a personal interview would facilitate resolution of any remaining matter, the Examiner is respectfully requested to contact Applicants’ representative at the number given below.

Regarding the objection of the drawings, the Applicants note that the action does not point to specific drawings. Rather, the action cites “elements 12 and 35” in the drawings as not being mentioned in the description. Applicants have identified FIGS. 4 and 5 for having the elements 12 and 35. Along with this Amendment, please find a “Replacement Sheet” for FIG. 5 and an amendment to a paragraph corresponding to the element 35 in the specification correcting a typo therein. Please also find a “Replacement Sheet” for FIG. 2 which has been amended for added clarity. Accordingly, Applicants respectfully submit that the objection is rendered moot.

Regarding the objection of Claim 1, the action states that “it is not clear if the elastic body is to be attached or mounted or supported to the piezoelectric surfaces.” Applicants respectfully disagree and submit that the Claim 1 is clear regarding the structure in question. In particular, the Claim 1 recites “an elastic body, to one surface or each of both surfaces of which the piezoelectric or electrostrictive substrate is attached.” It is clear from the claimed language that a piezoelectric or electrostrictive substrate is attached to one surface of the elastic body, or attached to each of both surfaces of the elastic body. Accordingly, withdrawal of the objection is respectfully requested.

Regarding the §112 rejection of Claims 7-12, without acquiescing to the assertion in the action, Applicants have amended independent Claim 7 for added clarity. Applicants submit that Claims 7-12 as currently pending meet the §112 requirements, and withdrawal of the rejection is respectfully requested.

Regarding the rejection of Claims 1-5 and 7-12, the action alleges that Umeyama combined by Nishikura teaches every element of the claims. Applicants respectfully submit that the references cited fail to disclose or suggest the recited claims, now or then, as the teachings disclosed in, for example, Umeyama appear quite unrelated to the instant application. Applicants have provided below apparent applicable summary of Umeyama and Nishikura so that the Office may verify for itself the same after a further review of Umeyama and Nishikura.

With reference to FIG. 1B, Umeyama appears to disclose an actuator unit 13 for driving a focus adjusting lens 9 of an endoscope 1. The actuator unit 13 appears coupled to the focus adjustment lens 9 via a coupling arm 11 and a lens frame 10. With reference to FIG. 2, Umeyama appears to further disclose that the actuator unit 13 comprises a moving member 16 and a piezoelectric element 17 attached to the moving member 16. The moving member is coupled to the coupling arm 11 via a coupling member 15. Accordingly, it appears the moving member 16 is moved by the piezoelectric element 17 attached to the moving member 16, and travels in an actuator hole 3b to thereby move the lens frame 10. Applicants note that similar structure appears in figures FIGS. 7A, 7B, and 8 cited by the Office. In FIGS. 11A, 11B and 11C, Umeyama appears to disclose that a piezoelectric element 41 may be attached to the lens frame 10 to thereby move the focus adjustment lens 9. Here the lens frame 10 appears to act as a moving member.

Accordingly, it appears that FIGS. 7, 8, 11 of Umeyama disclose that a moving member is moved by a piezoelectric element attached to the moving member, or a lens frame is moved by a piezoelectric element attached to the lens frame. In contrast, it appears that Umeyama does not disclose “a movable member to be moved along the movable shaft” due to an operation of “movable shaft coupled to an end of the piezoelectric actuator,” as suggested in page 3 of the action.

Returning to Claims before this application, Applicants submit that, among other teachings, Umeyama fails to disclose or suggest, for example, “movable shaft coupled at an end thereof to the elastic body or the piezoelectric or electrostrictive substrate attached to the elastic body,” “the movable shaft being operated in conjunction with displacement of the piezoelectric or electrostrictive substrate,” and “movable body to be moved along the movable shaft,” as recited in independent Claim 1.

Moreover, Umeyama fails to disclose or suggest, for example, “movable shaft coupled to the elastic body or the piezoelectric or electrostrictive substrate attached to the elastic body,” “movable body to be moved along the movable shaft,” and “movable body is moved along with a movement of the movable shaft in conjunction with displacement of the piezoelectric or electrostrictive substrate...to move along the movable shaft,” as recited in independent Claim 7.

Applicants respectfully invite the Office to verify for itself the same after a further review of Umeyama.

With reference to FIG. 1, Nishikura appears to disclose piezoelectric elements 101 and 102 attached to an elastic shim 103. However, Applicants respectfully further submit that Nishikura does not cure the deficiencies of Umeyama. Since Nishikura fails to cure the deficiencies of Umeyama, Applicants respectfully submit that a prima facie case of obviousness is not established as required by 35 U.S.C. §103(a).

Therefore, withdrawal of the rejection is respectfully requested with respect to independent Claims 1 and 7. Because the above arguments put independent Claims 1 and 7 in condition for allowance, then, at least because of their dependence on these claims respectively, dependent Claims 2-6 and 8-19 are also in condition for allowance.

The application as now presented, containing Claims 1-19 are believed to be in condition for allowance. Early allowance of the same is respectfully solicited. Again, should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters or place any issue in better condition for Appeal, the Examiner may contact Applicants' representative at the number given below.

Respectfully submitted,

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